

REFERENCE TITLE: residential rental property; registration; notice

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## **HB 2378**

Introduced by  
Representatives Konopnicki: Brown

AN ACT

AMENDING SECTION 33-1902, ARIZONA REVISED STATUTES; RELATING TO RESIDENTIAL RENTAL PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 33-1902, Arizona Revised Statutes, is amended to  
3 read:

4       33-1902. Residential rental property: recording with the  
5                   assessor: agent designation: civil penalty

6       A. An owner of residential rental property **SHALL FILE BEFORE THE**  
7 **COMMENCEMENT OF THE TENANCY AND** shall maintain with the assessor in the  
8 county where the property is located **THE** information required by this section  
9 in a manner to be determined by the assessor. The owner shall update any  
10 information required by this section within ten days after a change in the  
11 information occurs. The following information shall be maintained:

12       1. The name, address and telephone number of the property owner.

13       2. If the property is owned by a corporation, limited liability  
14 company, partnership, limited partnership, trust or real estate investment  
15 trust, the name, address and telephone number of any of the following:

16           (a) For a corporation, a corporate officer.

17           (b) For a partnership, a general partner.

18           (c) For a limited liability company, the managing or administrative  
19 member.

20           (d) For a limited partnership, a general partner.

21           (e) For a trust, a trustee.

22           (f) For a real estate investment trust, a general partner or an  
23 officer.

24       3. The street address and parcel number of the property.

25       4. The year the building was built.

26       B. An owner of residential rental property who lives outside this  
27 state shall designate and record with the assessor a statutory agent who  
28 lives in this state and who will accept legal service on behalf of the owner.  
29 The owner shall designate the agent in a manner to be determined by the  
30 assessor. The information shall include the name, address and telephone  
31 number of the agent.

32       C. Residential rental property shall not be occupied if the  
33 information required by this section is not on file with the county  
34 assessor. If the owner has not filed the information required by this  
35 section with the county assessor and the residential rental property is  
36 occupied by a tenant and the tenant chooses to terminate the tenancy, the  
37 tenant shall deliver to the landlord, owner or managing agent of the property  
38 a written ten day notice to comply with this section. The notice shall be  
39 delivered by certified mail, return receipt requested, or by hand  
40 delivery. If the owner does not comply with this section within ten days  
41 after receipt of the notice, the tenant may terminate the rental agreement  
42 and the landlord shall return all prepaid rent to the tenant. Security  
43 deposits shall be returned in accordance with section 33-1321, subsection D.  
44 The landlord shall return those monies by certified mail, return receipt  
45 requested, or by hand delivery to the tenant within ten days after the

1 termination of the rental agreement. This subsection applies to any existing  
2 lease and to any new lease after ~~the effective date of this amendment to this~~  
3 ~~section~~ AUGUST 25, 2004. Notwithstanding this subsection, an owner is in  
4 compliance with this subsection only if the owner had filed the information  
5 required by subsection A of this section with the county assessor.

6 D. All records, files and documents that are required by this section  
7 are public records.

8 E. BEFORE ANY TRANSFER IN OWNERSHIP OF THE PROPERTY, AN OWNER OF  
9 RESIDENTIAL RENTAL PROPERTY SHALL GIVE WRITTEN NOTICE OF THE PROVISIONS OF  
10 THIS SECTION TO THE TRANSFeree. THE TRANSFeree SHALL RECORD IN THE OFFICE OF  
11 THE COUNTY RECORDER FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED A  
12 DOCUMENT EVIDENCING THE SALE OR OTHER TRANSFER OF ANY LEGAL OR EQUITABLE  
13 INTEREST IN THE RESIDENTIAL RENTAL PROPERTY, EXCLUDING LEASES. THE  
14 TRANSFeree SHALL RECORD THE DOCUMENT WITHIN TEN DAYS AFTER THE TRANSFER. ON  
15 THE DAY OF THE TRANSFER, THE TRANSFeree SHALL FILE WITH THE ASSESSOR IN THE  
16 COUNTY IN WHICH THE PROPERTY IS LOCATED THE INFORMATION REQUIRED BY THIS  
17 SECTION.

18 F. A person who fails to comply with this section shall be  
19 assessed a civil penalty of one thousand dollars, plus an additional one  
20 hundred dollars for each month after the date of the original violation until  
21 compliance occurs. The court shall not suspend any portion of the civil  
22 penalty provided by this subsection.

23 F. Notwithstanding subsection E of this section, if a person  
24 complies within ten days after receiving the complaint that notices the  
25 violation, the court shall dismiss the complaint and shall not impose a civil  
26 penalty.

27 G. In carrying out this section, the county assessor shall have  
28 immunity as provided in section 12-820.01.